

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 DHA-02 MCT-01 /075 W
-----083995 181728Z /53

R 181435Z AUG 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC 5127
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 2177

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: LORENZ CASE MISCELLANEOUS ASPECTS

REF: (A) BONN 13282, (B) BONN 13241, (C) BONN 13242,
(D) PARIS 23242, (E) PARIS 23668, (F) STATE 192533,
(G) BONN 13455

1. RE QUESTION CONCERNING OBERLE IN REF F, WE UNDERSTAND
HE IS SENIOR OFFICIAL, PROBABLY IN MID-50S, AND HAS HAD
PRIOR EXPERIENCE AS A PROSECUTOR. HE IS NOT WELL-KNOWN
TO BERLIN LAWYERS BECAUSE HIS JOB HERE INVOLVES HANDLING
SOME 800 APPEALS, A TYPE OF ACTIVITY WHICH DOES NOT BRING
HIM MUCH INTO CONTACT WITH THE LEGAL FRATERNITY. HE HAS
LEFT US WITH A GOOD IMPRESSION IN OUR FEW CONTACTS WITH
HIM. HE IS "OLD SCHOOL," POLITE, AND DIRECT IN HIS APPROACH.
IF HE WERE TO BE NAMED CHIEF PROSECUTOR, HE WOULD NOT
BE EXPECTED TO BE IN THE COURTROOM DAILY BUT COULD
DETAIL MUCH OF THE WORK TO THE REINFORCEMENTS FROM
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KARLSRUHE. AS REPORTED IN USBERLIN 2025 HE FEELS ABLE
TO HANDLE THE JOB. WE WOULD PREFER NOT TO MAKE DISCREET
INQUIRIES TO BUTTRESS THE ABOVE CONCLUSION, BECAUSE
IT WOULD BE ALL TOO EASY FOR THE INQUIRY TO BE MIS-
UNDERSTOOD AND THE USMISSION TO FIND ITSELF IN THE
MIDDLE OF A GERMAN BUREAUCRATIC SQUABBLE.

2. TAGESSPIEGEL AUGUST 13 REPORTS THAT DEFENSE COUNSEL HAVE RECEIVED FROM THE SOVIET EMBASSY A RESPONSE TO THEIR LETTER (USBERLIN 2006, 2034). ACCORDING TO DEFENSE COUNSEL, SOVIET LETTER READS "WE DEEM IT INDISPENSABLE TO INFORM YOU THAT, IN ACCORDANCE WITH THE QA, FEDERAL STATE ORGANS OF THE FRG--INCLUDING ALL FEDERAL COURTS--MAY NOT UNDERTAKE ANY OFFICIAL DEALINGS IN THE CARRYING OUT OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN (SEE THE QUADRIPARTITE AGREEMENT, ANNEX II, PARAS 1 AND 2; LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR OF SEPTEMBER 2, 1971, PARAS A AND E). FROM THE ABOVE IT IS QUITE CLEAR THAT THE INTENTION OF THE FRG FEDERAL PROSECUTOR'S OFFICE TO APPEAR AS PROSECUTOR IN THIS TRIAL, AS YOUR LETTER MENTIONS, PRESENTS AN EFFORT TOWARD A GROSS VIOLATION OF THE QA."

3. AGAIN ON AUGUST 13 TERRORIST PRISONER RAINER HOCHSTEIN (USBERLIN 2100) WAS REPORTED IN THE PRESS TO HAVE SAID THAT HE WAS ORIGINALLY SLATED TO TAKE PART IN THE DRENCKMANN MURDER IN NOVEMBER 1974. TERRORIST PRISONER ANDREAS VOGEL REPORTEDLY DISCUSSED THE MURDER WITH HOCHSTEIN AND PROVIDED HIM WITH DETAILS IMMEDIATELY AFTER THE MURDER. ON AUGUST 16, MR. WARNSTAEDT, THE CHIEF OF THE JUDICIAL PRESS OFFICE, DENIED THAT THE BERLIN JUDICIARY COULD CONFIRM THAT A CONFIDENTIAL

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PROSPECTIVE WITNESS HAD SERIOUSLY INCRIMINATED THOSE SUSPECTED OF THE DRENCKMANN MURDER. (IF HOCHSTEIN REALLY INTENDS TO TESTIFY, AS THE NEWSPAPER REPORTS SUGGEST, THE PROSECUTION WILL HAVE MADE A MAJOR BREAK-THROUGH. AS WE UNDERSTAND IT, ALL THE PROSECUTION NOW HAS TO GO ON IS A LARGE BODY OF REASONALBY CONVINCING EVIDENCE PAINSTAKINGLY PUT TOGETHER. THERE IS NO STAR WITNESS IN THE OFFING TO OUR KNOWLEDGE EXCEPT OF COURSE MRS. DRENCKMANN AND PETER LORENZ.)

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R 181435Z AUG 77

FM USMISSION USBERLIN

TO SECSTATE WASHDC 5128

AMEMBASSY BONN

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 2177

4. FOR THE RECORD, WEST BERLIN PRESS ON AUG. 13
FEATURED RADIO MOSCOW COMMENTARY ON THE CASE.
COMMENTARY PREDICTABLY SPOKE OF "UNDERMINING" QA AND
CHARACTERIZED DECISION TO HOLD TRIAL IN BERLIN
AS THE CONSCIOUS STRIVING OF THE SENAT AND "CERTAIN FRG
CIRCLES" TO SHARPEN THE POLITICAL ATMOSPHERE IN AND
AROUND BERLIN.

5. COMMENT: USBER HAS NOT BEEN ROUTINELY WEIGHING
IN ON THE EXCHANGES OF MESSAGES ON THIS SUBJECT BECAUSE
WE SUPPORT WHOLEHEARTEDLY THE MODERATE LINE BEING
ARGUED BY EMBASSY BONN WITH THE SUPPORT OF THE
DEPARTMENT. WE HAVE THE IMPRESSION THAT THE FRENCH
HERE ARE SURPRISED AT THE ACTIVITY THAT THE QUAI HAS UNDERTAKEN
ON THIS ONE ISSUE, ALTHOUGH OUR FRENCH FRIENDS ALL
RECALL THE LIVELY SET-TO THAT FONMIN GENSCHER AND
SAUVAGNARGUES HAD ON THE GENERAL QUESTION. IT HARDLY
NEEDS TO BE SAID THAT AFTER THE MURDER OF BERLIN'S
SENIOR JUDGE, AND THE KIDNAPPING OF ONE OF ITS SENIOR
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POLITICIANS, BOTH OF WHICH HAPPENED IN THIS CITY, THAT
WEST BERLIN'S REACTION TO A CONTRIVED CHANGE OF VENUE
IN ORDER TO SATISFY FRENCH CONCERNS ABOUT STATUS
WOULD BE SHARP AND WOULD PROVIDE THE LOCAL PRESS WITH
A MAJOR ISSUE ON WHICH TO DRIFT INTO THE OUTER REALMS
OF SPECULATION. WHATEVER THE OPTICS OF GERMAN
HANDLING OF THE MATTER, WE THINK THE GERMAN DECISION IS COVERED
BY THE QA NO MATTER HOW MUCH THE SOVIETS MAY CLAIM THE
CONTRARY. GEORGE

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